IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 20588 of 2007(A)

PETITIONER:

MURALILAL,
"SAUPARNIKA", THATTUPALAM, NAVAIKULAM P.O.,
TRIVANDRUM-695 603.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
TRIVANDRUM.

2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, CHIRAYINKEEZHU, TRIVANDRUM.

3. THE VILLAGE OFFICER,
NAVAIKULAM, TRIVANDRUM.

4. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.20588 OF 2007

DATED THIS THE 11th DAY OF JULY, 2007

JUDGMENT

The petitioner's grievance is that although to Exts.P10 and P12 notices issued directing the petitioner to vacate the properties, he had filed objections, without affording an opportunity of being heard and without serving orders on the petitioner, the respondents are trying to evict the petitioner from the property in question.

2. I have heard the learned Government pleader also. Principles of natural justice as well as the provisions of Kerala Land Conservancy Act and Rules require that a person, who is sought to be evicted from the Government land shall be given an opportunity of being heard. According to me, such opportunity should include an opportunity to adduce evidence also. That being so, further proceedings pursuant to Exts.P11 and P12 notices can be finalised only after affording an opportunity of being heard to the petitioner which shall include an opportunity to adduce evidence also.

3. Accordingly, the writ petition is disposed of as follows:

The 2nd respondent shall afford an opportunity of being heard which shall include an opportunity to adduce evidence also to the petitioner. Thereafter the 2nd respondent shall pass a speaking order

meeting the contentions of the petitioner on the basis of the evidence to be produced by him. Till orders thus passed are communicated to the petitioner, the petitioner shall not be evicted from the property in question.

S. SIRI JAGAN, JUDGE

Acd